REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 28, 2009. At the time of the Office Action, Claims 17-30 were pending in this Application. Claims 17-30 were rejected. Claims 31-36 have been added. Claim 22 has been amended. Claims 1-16 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

The Examiner stated that Claims 17, 23, 29, and 30 fail to comply with the enablement requirement because the claims include that the textual content is encoded as an element of a complex data type which allegedly is not disclosed in the originally submitted specification. Applicant respectfully disagrees.

The specification specifically states:

Under an exemplary embodiment, the textual context of a "complex type" data type with "mixed" content model is treated as an element declaration in the type definition during the code assignment. Accordingly, for the purpose of encoding, as well as the declared elements, a specified structure code is also assigned in addition to the textual content in a type definition when a mixed content model is defined for the type. Accordingly, textual contents in the coded data stream are addressed, with the result that said contents can be accessed without the need to decode the entire data stream.

(Specification, paragraph [0007]). Hence, the specification clearly states that textual content is an element (or node) in a tree structure. Moreover, Figure 4 of the present application clearly shows this fact. According to Fig. 4, the Mixed Element comprises a parent node "Mixed Element" and a plurality of elements (nodes). Because the textual contents are treated as elements they are encoded as such. Hence, Applicant believes that all previous amendments are fully supported by the originally submitted specification and respectfully requests withdrawal of this rejection.

Rejections under 35 U.S.C. §103

Claims 17-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0028049 filed by Ernest Yiu Cheong Wan ("*Wan*"), and further in view of non-patent document entitled "*An Overview of the MPEG-7 Description Definition Language (DDL)*," by Jane Hunter ("*Hunter*").

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Contrary to the prior art which stores textual content by assigning it to a respective node and storing the actual textual content in a lower hierarchical plane assigned to a respective node, the present invention treats textual content as a node. Thus, the textual content is stored within the node and not in lower plane of the tree structure. As explained in the specification, the prior art uses the nodes to define elements of the documents wherein the content of each node is stored in a lower hierarchical plane. (Specification, paragraph [000030])

The Examiner stated that Applicant's previously submitted arguments are not persuasive because Wan allegedly teaches that the elements such as 'TD' contain text. (Office Action, page 10, response to arguments) Applicant respectfully disagrees. Applicant specifically included in claim 1 that a mixed content model comprises a parent node having a binary structure code and in a first hierarchical plane below said parent node a plurality of element nodes having binary structure codes. *Wan* does not disclose any type of mixed content model. Thus, even if a person skilled in the art would interpret any node of *Wan* as a possible mixed content model which Applicant does not concede, the nodes TD cannot be interpreted as such models because they only contain a single element. Analyzing Figure 1 of *Wan* shows at best that nodes TR1 or TR2 could be interpreted as a mixed content model because only these nodes comprise more than one subnode. However, these subnodes TD1.1 and TD1.2 are merely similar to the subnodes "firstElement" and "secondElement" as shown in Fig. 4 of the present application. Contrary to the Examiner's assumption, these subnodes TD1.1 and TD1.2 do not contain any textual content. Rather the string sontent of these nodes is stored in a lower hierarchical plane, namely the next following plane. However, the current claims clearly include the limitation that textual content is an element/node in the first hierarchical plane under the parent node. *Wan* neither discloses nor suggests this limitation.

None of the cited references discloses to assign a binary structure code to a textual content. The Examiner stated that *Hunter* allegedly discloses that text may appear between elements of a mixed content model. *Hunter* merely discloses that in a mixed content model character data appears between elements and their children. (*Hunter*, , page 768) However, *Hunter* does not disclose to assign a binary structure code to the character data. Thus, as discussed in the background section of the present application, a user must analyze the whole data stream to detect the respective character data. Thus, none of the cited prior art discloses the specific limitations as claimed in the independent claims.

Hence, Applicant believes that all independent claims are now patentable in view of the cited prior art and respectfully requests allowance of these claims. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make

further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants authorize the Commissioner to charge the amount of $220.00 for new independent Claim31 to Deposit Account No. 50-4871.

Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2000.

Respectfully submitted,
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